

Statement of Doris Meissner
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Immigration and Naturalization Service
United States Department of Justice
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On Naturalization
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Good morning, Mr. Chairman and Members of the Subcommittee.

I welcome the opportunity this morning to outline for you the comprehensive measures we continue to undertake to ensure the integrity of the naturalization process. At the outset, let me assure you that no one is more committed to restoring the integrity of the naturalization process than the Immigration and Naturalization Service. Citizenship is the most precious benefit that our government--through my agency--can bestow. We have both a duty and an obligation to ensure that deserving applicants attain the privilege of citizenship, and that unqualified individuals do not. We are taking firm, swift, and responsible steps to rectify long-standing systemic problems that the enormous surge in citizenship applications has brought to the surface and to ensure proper implementation of quality assurance procedures that were outlined in the recent KPMG Peat Marwick report.

I recognize that improving the naturalization process is the greatest management challenge facing the Service today. That was evident when I first learned of the nature of KPMG's findings regarding the troubling, and in some areas unacceptable, implementation of quality assurance measures that I had directed in November 1996. The immediate actions that I initiated 2 weeks ago are focused on correcting communications weaknesses, training deficiencies, and procedural problems that were identified. Last week, the Attorney General and I took further decisive management action to enhance the dedicated management attention that is needed to ensure that naturalization applications are considered in full compliance with the law and INS policy. Our actions are part of many steps we have taken and will continue to take needed to rectify problems that date back well into the 70s and 80s--perhaps longer.

What I will outline this morning should leave no doubt about our firm commitment to properly administer this vitally important process by which this Nation bestows U.S. citizenship.

BACKGROUND

In my March 10 testimony, I provided a detailed perspective of our Citizenship USA initiative, designed to meet the mounting numbers of naturalization applications, including the circumstances at the time and some lessons learned.

In the years before 1992, INS processed fewer than 300,000 naturalization applications per year and relied on paper-bound procedures and meager resources. The system appeared benignly adequate. In retrospect, it was a decentralized program involving dozens of offices across the Nation with few standard procedures, outmoded technology, and only modest management oversight. While we recognized that the system needed a thorough modernization, it seemed sufficient to withstand a short-term expansion of caseloads, with overall changes to be implemented once we had achieved reasonable processing times. As we anticipated, in early 1994 some of the 3.2 million people who had gained legal status under the Immigration Reform and Control Act of 1986 (IRCA) began submitting naturalization applications, swelling the backlog as our monthly tallies of application receipts steadily increased. In addition, INS' green card replacement program added to the caseload because many long-time permanent residents filed for naturalization in lieu of applying for an updated green card.

We moved to keep up with the growing workload as we began investment in redesigning the process. As early as February of 1994, we included in our 1995 budget a \$30 million request in appropriated funds to support major revamping of our naturalization program. Ultimate Congressional approval of \$7.1 million, underscoring national interest in an effective naturalization program, was the first time appropriated funds had been applied to the naturalization program since a fee account was established in 1988 to fund the program.

However, we were unable to predict the enormous surge in naturalization applications that was seemingly generated by the Proposition 187 debate in California and that keeps increasing, apparently in response to last year's immigration and welfare law changes. Applications exceeded 540,000 by the end of FY 1994 and nearly doubled to more than 1 million by the end of Fiscal Year 1995. By the end of 1996 receipts reached 1.3 million, and our estimate for 1997 is an incredible 1.8 million--a 40 percent increase over last year and up 425 percent since 1992.

As this trend took hold, we moved on an urgent basis in the spring of 1995 to deal with the growing backlog of applications. Our projections showed processing times would reach two-to-four years in some districts if we failed to act. That prospect was unconscionable, and our actions focused on averting such a scenario. Law-abiding, taxpaying contributors to our society were waiting unreasonable periods to receive a benefit for which they were paying, to which they were entitled, and which was in the national interest to bestow. Still, by the time Citizenship USA was formally launched in September of 1995, backlogs had reached 2 years in some districts, confirming the importance of our commitment to continue our efforts to provide better service by reducing our processing times back toward our 6-month goal, the standard used by INS for at least 15 years.

Using enhanced resources, including the opening of dedicated citizenship centers, improved technology, and more than 900 additional personnel we hired and trained, we achieved our goal of reducing the projected average waiting time from application filing to citizenship oath to an acceptable 6 months by the end of fiscal 1996. At the same time, we continued a number of efforts to find ways to improve the process, including progressive procedural improvements, such as direct mail of applications and strengthened community partnerships.

IMMEDIATE STEPS

I would now like to concentrate on the comprehensive measures we are undertaking that specifically address the integrity of the naturalization process--an effort that, as I stated earlier, represents the biggest management challenge the agency faces at this time.

In December 1996, DOJ and INS announced a series of initiatives to improve and strengthen the naturalization program in response to systemic weakness that emerged from the Citizenship USA program.

These initiatives included:

Hiring of KPMG to oversee an INS audit of naturalization cases during the Citizenship USA program, an effort that also would be monitored DOJ's Office of the Inspector General.

A comprehensive reengineering of the naturalization program by INS and an outside consulting group, which in March was announced as Coopers & Lybrand.

Implementation of new procedures to strengthen the current process, including specific guidance that no individual would be naturalized without verified completion of a fingerprint check by the FBI.

Beginning with instructions that I directed be issued on November 29, 1996, the Service put in place new quality assurance procedures:

Use of a uniform worksheet by every INS district to document that all clerical processing and statutory eligibility determination steps have been completed;

Mandatory supervisory review of every case involving criminal history or other complex issues regarding eligibility; Quality assurance review in every office by INS officers not directly involved in the naturalization program, using a random sample of cases at four different stages in the process;

Field visits by teams of experienced INS adjudicators and managers under the INS Office of Internal Audit to examine the accuracy of overall processing activities;

Tightening of procedures for processing cases when relying on temporary files; and

Updating of the INS Examiner's Handbook, which guides field personnel in processing naturalization applications, using a team of expert adjudicators and supervisors.

In using these new procedures to process naturalization cases, the worksheets require evidence that an FBI response had been received and acted upon prior to interview. We also required that the monthly quality assurance reviews of each office's naturalization cases employ a standardized checklist to ensure consistency. The completed checklists are sent on a monthly basis to the regions for analysis. The enhanced guidance has improved the process for reporting on the results of the monthly quality assurance reviews. These procedures allow the districts, regions and the INS Office of Internal Audit (OIA) to analyze information in more detail to highlight repeated problems and trends toward improvements that are identified by the reviewers.

The districts can focus directly on specific problems to allow for an immediate fix. The regions can assess office compliance with guidance, and the OIA can identify from a Service perspective progress toward compliance and problems that require a national solution.

INS has never had a quality assurance program. Thus, this program is a major improvement that also represents a significant change that will take time to properly institutionalize. We plan to request resources for the districts to establish permanent quality assurance positions to ensure continuous review of all adjudication process in the in district offices.

We asked that KPMG conduct an early-term review of the implementation of the procedures and any proposed changes to them that they recommended. On April 18, KPMG Peat Marwick LLP delivered a report that reviewed our progress in implementing the Naturalization Quality Procedures (NQP) that we issued last November to improve the naturalization process. The report by KPMG, which is working under contract to the Department of Justice (DOJ), performed on-site reviews of naturalization application processing at 24 key INS districts and service centers over the course of 5 weeks. DOJ and INS had asked KPMG to conduct the interim review so that the firm could objectively assess field implementation of the NQPs, and we could get early feedback on our progress.

When I first learned the general nature of KPMG's findings, I found the results extremely troubling. I ordered a series of actions, which I will describe below, that are designed to correct deficiencies and to ensure that the Service fully implements the most critical quality assurance procedures. I did so, frankly, because if these naturalization quality assurance procedures were deficient, then the integrity of the entire

naturalization process was in question--and INS must be able to assure the American public that INS is committed to upholding the integrity of the naturalization program.

KPMG has reaffirmed that the quality assurance procedures themselves are sound. At the same time, there have been some serious lapses in implementation, and there must be immediate and substantial improvements to ensure that each office was effectively implementing the NQPs. I took the following actions immediately following our receipt of the draft KPMG report:

I ordered that each naturalization applicant scheduled for a swearing-in ceremony would be required to have his or her application worksheet reviewed and reverified by supervisory adjudicators to ensure that quality assurance steps have been followed, including a verified fingerprint check.

I called the directors of all INS regional offices, district offices and service centers to INS headquarters on April 15-16 for face-to-face briefings by KPMG on the review and to develop aggressive corrective action plans to fully implement the NQP.

To improve training of all staff involved in implementing new procedures, we will be conducting training for adjudicators, clerks, and records personnel from all INS district offices and centers. The training is being designed to address the problems encountered to date and strengthen compliance with quality assurance procedures.

To improve the fingerprint process, we have now readied our ability to assign a unique identifier, in the form of a bar code, to each fingerprint card. INS also sends the fingerprint biographical information on a tape to the FBI using the Machine Readable Document (MRD) FBI format. These new procedures reduce paperwork errors, improve tracking and processing efficiency, and provide a clear link for matching fingerprint check results with the appropriate application. The bar coding program is presently installed at the Vermont Service Center and will be expanded this summer to INS' other three service centers in Laguna Niguel, Calif.; Dallas, Tex.; and Lincoln, Neb.

INS will detail quality-assurance staff to the FBI Fingerprint Processing Center in Clarksburg, W.Va., to monitor and review fingerprint submissions for naturalization applications. In addition, the FBI will provide on-site assistance to key district offices to provide training and assistance in preparing and handling fingerprint cards.

ADDITIONAL MANAGEMENT MEASURES AND PERSONNEL CHANGES

While these initial steps provide a number of immediate remedies being undertaken in field offices, it is evident that fundamental management, structural, and communications problems have existed for some time at INS and need to be addressed for the longer term.

Last Friday, April 25, the Attorney General and I announced the appointment of two distinguished administrators to further help INS achieve our goals. Robert K. Bratt, who has spent 19 years at Justice, most recently as executive officer of the Criminal Division, began serving at INS this week as Executive Director for Naturalization Operations. Reporting directly to me, he will oversee the naturalization program and develop an action plan to correct existing problems in preparation for a comprehensive follow-up field audit of naturalization quality assurance procedures by KPMG within the coming months.

In addition, Charles A. Bowsher, retired Comptroller General of the United States, will serve as my special adviser in a part-time, unpaid contract position. He will assist in the development of the action plan and advise me on the best ways to implement the new procedures. We are fortunate to have both of these exceptionally capable senior managers at INS, and I look forward to working with them.

Mr. Bratt's first priority will be to ensure current naturalization case processing follows the NQP instructions we issued in November and any further changes recommended by KPMG. He will also supervise implementation of the recommendations stemming from the ongoing review by INS and KPMG

Peat Marwick of the more than 1 million naturalizations granted during from September 1995 to September 1996. Both the Attorney General and I are committed to giving him whatever resources he needs.

As I testified to the House Appropriations Committee earlier this month, over the long term, we need to make some changes to strengthen the INS headquarters-field relationship.

I also have decided on immediate personnel changes within the Office of Field Operations that include bringing four highly respected field managers to Washington on extended detail to improve support to the field. Effective May 15, Brian R. Perryman, Acting District Director for the Chicago District, will become Acting Executive Associate Commissioner for Field Operations, replacing J. Scott Blackman who is serving on an interim basis. Mary Ann Gantner, Deputy District Director, New York District, will report to Mr. Bratt to assist with naturalization activities starting on April 28. Effective May 5, Joseph D. Cuddihy, District Director for the Rome District, will report to Mr. Perryman as Acting Associate Commissioner for Field Operations. Also effective May 5, Joseph R. Greene, District Director in Denver, will manage enforcement activities in the Office of Field Operations. Each of these highly experienced professionals will strengthen communication and coordination between headquarters and the field, and will increase oversight and accountability, with particular emphasis on naturalization quality assurance procedures.

PROGRAM REDESIGN AND ORGANIZATIONAL REFORM

In addition to work with KPMG, INS naturalization experts are also working closely with Coopers & Lybrand, an independent accounting and management consulting firm, to enhance the integrity of the naturalization program, streamline the application process, reduce paperwork, and improve customer service. That contract, which is expected to last 18-24 months, was announced in March by the Department of Justice. The steps now being taken, including the findings from the KPMG review of quality assurance procedures and the experience of the new naturalization executive team, will be incorporated into Coopers & Lybrand's redesign work.

To ensure uniform implementation of INS policies and program procedures, in FY 1997, INS expanded the capabilities of its Office of Internal Audit (OIA) to identify instances of noncompliance with guidance and to review field office operations and functions for effectiveness. The effort is referred to as INSpect, and is managed by OIA to review each office once every two or three years depending on the office size or known risks. Recommendations are monitored through completion of corrective actions, and repeated problems are analyzed and reported on to ensure effective policies and controls are in place. This continuous and proactive type of review provides strong baselines for internal improvement and for monitoring implementation of changes in the naturalization process.

IMPROVING THE ORGANIZATIONAL STRUCTURE

The organizational structure and culture of the agency have long needed updating to meet its present day mission. We took the first steps to do that with the reorganization that I implemented in November 1994. Since that time, we have been assessing how well the new structure meets the agency's management needs. In doing so, we have drawn on the expertise of management experts and senior managers in the field who carry out the agency's immigration and naturalization operations. As a result, we have developed a set of significant changes, which will improve on the 1994 reorganization, that are intended to strengthen the field structure. These specific changes will be proposed to the Congress. These organizational changes will increase effective management of the naturalization process.

FINGERPRINT PROCEDURES

An essential element in the review of a naturalization application is the background and qualifications under law of a naturalization applicant that is provided by the fingerprint check with the FBI. In the 1970s, the standard procedure for applicant fingerprint checks was for INS to submit the fingerprint card to the FBI and then to wait for a response either in the form of an FBI rap sheet or an indication that the FBI had no record on file. This process historically took about 30 to 60 days.

By the early 1980s, INS found that the routing and associated filing of all FBI responses was more than most offices could effectively handle. So in January 1982, INS changed this practice and advised the FBI to forward only matched records (rap sheets) and rejected fingerprint cards to local offices. At that time, INS adopted a policy presuming the absence of an FBI record if INS did not receive a rap sheet or rejected card within 60 days.

In February 1994, the Department of Justice Office of the Inspector General (OIG) completed a review of INS' fingerprint clearance procedures and identified several weaknesses. The OIG concluded that procedures were not in place to ensure that the fingerprints submitted were those of the applicant, that the processing of rejected fingerprint cards had a number of weaknesses, and that there were instances in which rap sheets were not being placed in case files before decisions were made on the applications. INS advised local offices of the OIG findings so that interim corrective steps could be taken locally to improve the process.

The OIG, the General Accounting Office, and the Senate Appropriations Committee specifically recommended that INS create a system by which fingerprints would be taken by entities authorized by INS. The INS Designated Fingerprint Service (DFS) program, which became effective March 1, grew out of these recommendations.

At one time, INS took all fingerprints. Large increases in the numbers of people filing for benefits made this impractical, so, since at least 1982, law enforcement agencies, community-based organizations, and other entities and individuals had been permitted to take fingerprints. Our fingerprint program is intended to promote security, quality, and service in the fingerprinting process. The primary "security" concern is to ensure that the prints submitted are those of the actual applicant. The key "quality" concern is to minimize the number of fingerprint cards rejected because the biographical information included on the fingerprint card is incomplete or inaccurate or because the fingerprints are not of sufficiently high quality to be classified by the FBI. The key "service" concern is to ensure that applicants have reasonably convenient access to fingerprinting services.

The DFS program allows us to regulate, monitor, and audit fingerprint takers for the first time. While the DFS program is an improvement over the past, when there were no controls over fingerprinting, we are aware of the program's limitations. In the first few weeks since the program began on March 1, we have seen a high fingerprint card rejection rate at some of our service centers. These rejections were mostly related to deficiencies such as the failure to sign across the envelope seal. We expect many of these problems to be resolved with additional training.

Let me take a moment to explain how the DFS program works.

Under the current regulation, individuals and organizations may become DFS entities by paying a \$370 fee, obtaining training from INS on fingerprint security and quality, and having employees who do the fingerprinting pass a FBI fingerprint check. DFS entities must operate at permanent business locations and be licensed as businesses by State or local government agencies. We have certified approximately 3,000 DFS entities across the country. Thirty percent of these are law enforcement agencies, 17 percent are not-for-profit organizations, and 53 percent are for-profit organizations. INS also continues to take fingerprints, subject to available resources.

When applicants for INS benefits go to a DFS entity to obtain fingerprints, the DFS entity requires the applicant to show an INS-approved form of identification. The DFS takes the fingerprints and signs an attestation acknowledging verification of the applicant's identity, attaches the attestation to the card, seals the completed fingerprint card and attestation in an envelope, signs the envelope across the seal, and gives the envelope to the applicant. The applicant then sends the envelope with the application and application fee to INS. INS rejects the fingerprint card if the DFS has not prepared or packaged the card properly.

Assuming the card is properly prepared, we compare the information on the fingerprint card masthead to the application to make sure the information is consistent. We then send the card to the FBI. INS monitors DFS entities through direct inspections by a compliance contractor, who uses former law enforcement

officers for this purpose. This contractor has already completed more than 300 inspections. Inspection worksheets are returned to district office staff for follow-up. We are now in the process of developing a program of inspections carried out by INS field staff to supplement our contractor's inspections. These will be both random and targeted inspections intended to follow up on specific complaints and intelligence reports. DFS certification may be suspended or revoked for failure to cooperate with inspections or to comply with our procedural requirements.

We have already taken steps to further improve the DFS program. We convened a workgroup to develop methods to strengthen the existing system. We also organized a second workgroup to focus on potential alternatives to DFS. This second workgroup included representatives from INS and consultants from the FBI, KPMG Peat Marwick, Coopers & Lybrand, and EDS' Government Consulting Services.

Since we now believe that there are sufficient DFS entities to meet applicants' needs, we plan to issue a Notice which sets a moratorium on approval of any new DFS entities (with the exception of law enforcement agencies). We are preparing an Interim Rule that will impose new eligibility and performance standards on DFS entities. We are also beginning a joint review project with the FBI in which we will conduct biometrics verification on a random basis. We plan to publicize this program widely in order to deter fraud. We are also detailing people to perform quality assurance at the FBI facility in Clarksburg, West Virginia and at our four service centers and selected district offices to monitor cards produced by DFS entities.

We are developing tough national standards and will suspend or revoke certification for entities that do not meet these standards. We are preparing a compliance monitoring and site inspection plan for local district offices which increases the number of random inspections by INS officials, and we are considering the number of inspections performed by our compliance contractor as well. Finally, we plan to upgrade training of DFS entities to improve the quality of cards submitted.

It is important to bear in mind that there have been weaknesses in the fingerprint process for many years and that DFS is a brand-new program. Even as we take steps to strengthen the program and to develop alternatives, we are placing a top priority on gathering the information we need to evaluate the program and to benchmark any vulnerabilities that may exist. We want to make sure that any substantial changes or alternatives we commit to have gone through a businesslike analysis and that we have taken full account of the strengths and weaknesses of all feasible options. The integrity of the fingerprint process is our top priority.

We are currently developing a range of alternatives that have the potential to greatly enhance the security of the fingerprinting process. Each of these options will require substantial investments of time and resources. The alternatives we are considering include the following:

First, DFS entities would continue to take all fingerprints, but we would add an automated biometrics system by which the applicant's fingerprints would be taken a second time at the interview and compared to a copy of the fingerprints that were sent to the FBI. This approach would virtually guarantee security in the fingerprint process, regardless of who took the fingerprints or who controlled them before they were submitted to INS. This biometric verification approach can be applied with any of the alternatives under consideration. A variation of this approach would involve management of the DFS program by a small number of contractors--say 1 to 3--who would run the program for the entire country.

The second alternative we are evaluating involves increasing the role of law enforcement agencies in taking fingerprints.

The third alternative involves INS taking all fingerprints.

We are now finalizing the cost and feasibility of these alternative approaches. Further, as noted earlier, Coopers & Lybrand is working with us to review and redesign the entire naturalization process, including the best methods of obtaining fingerprints and checking them with the FBI.

CITIZENSHIP REVOCATION

As I indicated during my previous testimony to this Subcommittee, INS is taking strong action to revoke the citizenship of persons found to have been wrongfully naturalized. On October 24, 1996, INS promulgated final regulations implementing administrative denaturalization procedures, which allow INS to avoid sometimes cumbersome judicial denaturalization procedures. The administrative revocation procedures permit INS to revoke citizenship during a 2-year period after naturalization if INS determines that an applicant was granted citizenship in error or if INS subsequently obtains additional evidence bearing on the applicant's eligibility for naturalization. Since October 24, 1996, we have issued 72 notices of intent to revoke naturalization.

Because revocation of citizenship raises numerous complex legal issues and because revocation in the administrative context is an entirely new proceeding, all revocation cases are reviewed and monitored at headquarters by the Office of General Counsel. Cases where we have pursued administrative revocation include ones where the naturalized citizen did not meet the requisite residency or physical presence requirements to naturalize and where individuals were later found to be statutorily ineligible to naturalize because of criminal convictions. In addition, we have initiated administrative revocation proceedings in the requisite time period where we have determined that the individual provided false testimony during the course of his or her naturalization interview. Finally, revocation proceedings have been brought where there was a pending or final order of deportation against the individual at the time of naturalization.

For each of these classes of cases, we are necessarily mindful that there is, to quote Justice Scalia in a leading Supreme Court decision, an "unusually high burden of proof in denaturalization cases." Accordingly, the decision whether to initiate revocation in a given case can be made only after a thorough review of its particular facts. Where the individual is clearly ineligible for naturalization, we have initiated, and will continue to initiate, administrative revocation. In addition, we have initiated, and will continue to initiate, revocation proceedings in less conclusive cases where the facts are nonetheless compelling. Cases where ineligibility is based solely on misrepresentation of facts which in themselves do not statutorily disqualify the applicants, including cases based solely on false testimony, involve a particularly unsettled area of the law that presents unique obstacles to administrative revocation. In these cases, therefore, we plan to proceed with administrative revocation only where the concealed information relates to a felony arrest in order to foster the development of favorable case law. Finally, we are cooperating with a newly formed working group of U.S. Attorneys to develop a sound plan for the targeted use of both civil and criminal sanctions in cases involving misrepresentations, including the use of judicial denaturalization where administrative revocation is not possible.

This policy towards administrative revocations will be coupled with a strengthened approach towards prospective applications, where the alien applicant bears the burden of proof and where it is far easier to sustain an adverse decision in court based on misrepresentation alone. For example, refinements to the naturalization process will better ensure that where an applicant provides false oral statements under oath, the application will be denied.

By aggressively pursuing administrative revocation in appropriate cases, and particularly by denying naturalization to new applicants who provide false oral testimony, we are sending a clear message that only truly deserving individuals will be granted citizenship.

CONCLUSION

We continue to face an enormous challenge in implementing improved procedures in the face a huge demand. But, as I have stated often, it is vitally important that Congress and the American people have confidence in the integrity of the naturalization process. I feel confident that the scope of our management reforms, new appointments of exceptionally capable senior managers, and a strengthened organizational structure are the right measures to bring about the necessary improvements. Our work on naturalization is a work in progress. Even now, Coopers & Lybrand is in our field offices soliciting their views on how the naturalization process works now and how it can be improved. I hope the scope of the improvements now underway and the actions that we are undertaking demonstrate the seriousness of our intent. I look forward

to continuing to work closely with the Committee in this commitment to the American people. I will be glad to take any questions you have at this time.